

# EXHIBIT E

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

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In the matter of:

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

- - - - -x

United States Bankruptcy Court

One Bowling Green

New York, New York

April 1, 2010

10:44 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

HEARING re Reorganized Debtors' Emergency Motion for Order  
Under Section 105(a) of the Bankruptcy Code, Fed. R. Bankr. P.  
7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) Extending  
Deadline to Serve Process for Certain Avoidance Actions

Transcribed by: Lisa Bar-Leib

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(TELEPHONICALLY)

1 bankruptcy clerk. And that's why we requested the extension.

2 Since filing the motion on March 25th, in most  
3 instances, those summonses have been issued. But I still  
4 believe, Your Honor, that it would be prudent to grant the  
5 extension as to those defendants. And we're requesting only a  
6 thirty-day extension of the service deadline in order to ensure  
7 that we can accomplish service before that deadline expires.

8 THE COURT: Okay. How many do you have left, do you  
9 know?

10 MR. FISHER: Unissued summonses, Your Honor? I  
11 believe of the twenty-one, there is only one remaining.

12 THE COURT: All right.

13 MR. FISHER: The second category are instances where  
14 we have attempted to accomplish service, again on domestic  
15 defendants, but for one reason or another, service was  
16 returned, in many instances because those companies are  
17 reportedly now defunct or may have relocated. So as to those  
18 defendants, we're also requesting an extension of the service  
19 deadline by thirty days in order to make a determination as to  
20 whether it makes sense to proceed with those actions and to try  
21 to complete service before the court-ordered deadline expires.

22 THE COURT: Did you -- are these claimants -- so you  
23 got the address off of proof of claim or --

24 MR. FISHER: Yeah. In instances where we were  
25 dealing with claimants, we checked the claim register to

1 identify addresses that way.

2 THE COURT: Okay. And the other ones, you got their  
3 address by doing corporate searches?

4 MR. FISHER: Exactly, Your Honor.

5 THE COURT: Okay.

6 MR. FISHER: And to my knowledge, again, I suppose  
7 there are questions about the extent to which our motion  
8 reached these defendants, but we attempted to serve them at the  
9 best addresses we could identify by FedEx and there are no  
10 objections.

11 THE COURT: And -- these are only eleven, I think,  
12 actions. The summons and complaint was returned as  
13 undeliverable? Is that what happened --

14 MR. FISHER: Yes.

15 THE COURT: -- in each case?

16 MR. FISHER: Yes.

17 THE COURT: All right. And you've already checked to  
18 see whether, in fact, you had the address wrong and, as far as  
19 you could tell, the address was right?

20 MR. FISHER: That's correct. And so, we're doing  
21 what we can to determine alternative addresses with regard to  
22 these eleven.

23 THE COURT: Okay. All right. Does anyone have  
24 anything to say on the relief with regard to these two  
25 categories of adversary proceedings, that is, the originally



C E R T I F I C A T I O N

I, Lisa Bar-Leib, certify that the foregoing transcript is a  
true and accurate record of the proceedings.

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LISA BAR-LEIB

AAERT Certified Electronic Transcriber (CET\*\*D-486)

Veritext

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Date: April 6, 2010